

U.S. Patent Application Serial No. **10/574,277**
Amendment filed October 10, 2008
Reply to OA dated July 10, 2008

REMARKS

By the present amendment, original claims 1-4 have been canceled and new claims 5-8 have been added to further clarify the concepts of the present invention. New claim 5 is based on the process conditions in Examples 1-3 and new claim 6 is based on the process conditions in Examples 4-6. New claim 7 is based on the process conditions in Example 7 and new claim 8 is based on the process conditions in Example 8. Entry of these amendments is respectfully requested.

In the Office Action, claims 1 and 2 were rejected under 35 USC § 102(b) as being anticipated by, or in the alternative, under 35 USC § 103(a) as being unpatentable over, the patent to Johnston et al. In making the rejection, it was asserted that the cited Johnston et al. patent teaches an optical wave guide device including a substrate having a bulk resistivity within the range claimed which comprises niobium tantalite (probably lithium niobate according to claim 2) or lithium tantalite (tantalate). Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

As noted previously, claims 1 and 2 have been canceled herein. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 1 and 2 over the cited patent is respectfully requested.

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Applicants acknowledge with appreciation the indication contained in the Action that claims 3 and 4 are allowable over the art of record. Since newly added claims 5-8 conform generally with the subject matter of allowed claims 3-4, it is submitted that these newly added claims are also allowable.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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